

**CHECKLIST FOR PACKET 1
PLAINTIFF DIVORCE WITH MINOR CHILDREN**

STEP 1. These forms are required in all divorce cases where you and the Defendant agree on all of the issues:

- Civil Cover Sheet
- Vital Statistics Form
- Complaint for Divorce (with Children)
- Summons
- Acknowledgment and Acceptance of Service
- Confidential Statement of the Parties for Child Support Order
- Confidential Financial Affidavit
- Affidavit for Divorce Without Appearance of Parties
- Decree of Divorce (with Children)
- Order for Income Withholding
- Income Withholding for Support (or, you can open up a case with your local child support enforcement agency)

*Other forms may be required based on your situation or on the Court where you are filing your divorce. If other forms are required based on your situation, they will be discussed below. You will need to check with the Clerk to determine if the Court requires further documents.

STEP 2. File your Divorce in the District Court in the county where either you or your spouse resides within the State of Wyoming. Take an original and two copies with you. The Clerk will keep the original. Keep one copy for yourself. The other copy is for service upon the Defendant as described in **Step 3**.

- Civil Cover Sheet*
- Vital Statistics Form*
- Complaint for Divorce (with Children)*
- Summons*
- Confidential Statement of the Parties for Child Support*
- Pay filing fee (check with Clerk for amount and payment options)

STEP 3. Serve the Defendant (Choose 1 option below).

- Defendant signed the *Acknowledgement and Acceptance of Service* form
 - File original *Acknowledgment and Acceptance of Service* form; and
 - File original *Summons* with the Court; **OR**

- Defendant was personally served by the Sheriff
 - File original *Summons* and the *Return* or *Affidavit of Service* completed by Sheriff with the Court.

- STEP 4.** Wait the required time for Defendant to file an *Answer* to the *Complaint*.
- 20 days have elapsed.** Defendant was personally served in the State of Wyoming or signed an *Acknowledgment and Acceptance of Service* form;
OR
 - 30 days have elapsed.** Defendant was personally served outside the State of Wyoming.

- STEP 5.** Complete the *Initial Disclosures*
- Send the *Initial Disclosures* to the Defendant within **30 days** after the Defendant was personally served by the Sheriff or signed the *Acknowledgment and Acceptance of Service* form. **DO NOT FILE** the *Initial Disclosures* with the Court.

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STEP 6. There are three options to choose from on this step depending on your situation. Review each option carefully and pick the option that best describes your situation.

Option A: If the Defendant filed an *Answer* or *Answer and Counterclaim* and you both agree on all issues, complete **Option A**.

Option B: If the Defendant did not file an *Answer* or *Answer and Counterclaim*, complete **Option B**.

Option C: If the Defendant filed an *Answer* or *Answer and Counterclaim* and you do NOT agree on all issues, complete **Option C**.

OPTION A: If the Defendant filed an *Answer* or *Answer and Counterclaim* and you both agree on all issues, fill out and file the following documents to finish your Divorce:

- Reply to Counterclaim.** If the Defendant filed an *Answer and Counterclaim*, you **must** file a *Reply to Counterclaim* within **20 days** from the date the Defendant filed the *Answer and Counterclaim*. You do NOT need to complete this form if the Defendant only filed an *Answer*.
- Confidential Financial Affidavit**
 - If employed, attach tax returns for prior 2 years; and
 - Attach statement of earnings for the current year;
 - Attach documentation about health insurance if applicable OR

- If self-employed, attach verified income and expense statements for prior two years;
- Attach tax returns for prior 2 years; and
- Attach documentation about health insurance if applicable.
- Additional forms that may be needed:
 - Affidavit of Imputed Income.*** If the Defendant does NOT file a *Confidential Financial Affidavit*, you will need to complete the *Affidavit of Imputed Income* form to show the Court how much money the Defendant makes. You do not need to complete this form if the Defendant filed a *Confidential Financial Affidavit*.
 - Affidavit for Divorce Without Appearance of Parties*
 - Decree of Divorce (with Children)*
 - Order for Income Withholding*
 - Income Withholding for Support* (or, you can open up a case with your local child support enforcement agency).
- Copies and Envelopes:
 - Take an original and 2 copies of each form to the Clerk for filing.
 - One envelope addressed to you with postage for the Clerk to mail a copy of the *Decree of Divorce* to you.
 - One envelope addressed to the Defendant with postage for the Clerk to mail a copy of the *Decree of Divorce* to the Defendant.
 - Mail a copy of the other forms to the Defendant and keep a copy for your records.
- Additional Forms: The Court may also require these additional forms (or others) depending on the county where your case is filed. Ask the Clerk if these additional forms are required. **DO NOT COMPLETE THESE FORMS FOR ALL DISTRICT COURTS.**
 - Certificate of Completion of a Parenting Class* (If you are required to complete a parenting class, the instructor for the class will give you this form for you to file with the Clerk.)
 - Copies and Envelopes for each additional form:
 - Take an original and 2 copies of each additional form to the Clerk for filing.
 - Mail a copy of any additional form filed with the Clerk to the Defendant and keep a copy for your records.
- Hearing. Some Courts require a hearing before the Judge will sign the *Decree of Divorce*. Ask the Clerk if this is required. If so, you will need to request that the Court set a date to hold the hearing.
 - Request for Setting*
 - Order Setting Hearing* (Judge will fill out date and time)

- Take an envelope addressed to you with postage for the Clerk to mail a copy of the *Order Setting Hearing* to you.
- Take an envelope addressed to the Defendant with postage for the Clerk to mail a copy of the *Order Setting Hearing* to the Defendant.
- Mail a copy of the *Request for Setting* to the Defendant and keep a copy for your records.
- Attend the Hearing: Inform the Judge that you have lived in Wyoming for at least 60 days before you filed the *Complaint for Divorce*, the reasons why there are irreconcilable differences in the marriage and the settlement you reached (who gets what) and give the Judge the *Decree of Divorce* you completed.

Your divorce will be complete when the Judge signs the *Decree of Divorce* and it is filed with the Clerk.

OPTION B. If the Defendant does NOT file an *Answer*, fill out and file the following documents to finish your Divorce:

- Application for Entry of Default*
- Affidavit in Support of Default*
- Take a blank *Entry of Default* for the Clerk to sign
- Confidential Financial Affidavit*
- Attach tax returns for prior 2 years; and
 - If employed, attach tax returns for prior 2 years;
 - Attach statement of earnings for the current year; and
 - Attach documentation about health insurance if applicable; OR
 - If self-employed, attach verified income and expense statements for prior two years;
 - Attach tax returns for prior 2 years; and
 - Attach documentation about health insurance if applicable.
- Affidavit of Imputed Income*. You will need to complete the *Affidavit of Imputed Income* form to show the Court how much money the Defendant makes.
- Affidavit for Divorce Without Appearance of Parties*
- Decree of Divorce (with Children)*
- Order for Income Withholding*
- Income Withholding for Support* (or, you may open up a case with your local child support agency)
- Copies and Envelopes.
 - Take an original and 2 copies of each form to the Clerk for filing.

- Take an envelope addressed to you with postage for the Clerk to mail a copy of the *Decree of Divorce* to you.
- Take an envelope addressed to the Defendant with postage for the Clerk to mail a copy of the *Decree of Divorce* to the Defendant.
- Mail a copy of the other forms to the Defendant and keep a copy for your records.

- Additional Forms:** The Court may also require these additional forms (or others) depending on the county where your case is filed. Ask the Clerk if these additional forms are required. **DO NOT COMPLETE THESE FORMS FOR ALL DISTRICT COURTS.**
 - Certificate of Completion of a Parenting Class* (If you are required to complete a parenting class, the instructor for the class will give you this form for you to file with the Clerk)
 - Copies and Envelopes for each additional form:
 - Take an original and 2 copies of each additional form to the Clerk for filing.
 - Mail a copy of any additional form filed with the Clerk to the Defendant and keep a copy for your records.

- Hearing.** Some Courts require a hearing before the Judge will sign the *Decree of Divorce*. Ask the Clerk if this is required. If so, you will need to request that the Court set a date to hold the hearing.
 - Request for Setting*
 - Order Setting Hearing* (Judge will fill out date and time)
 - Take an envelope addressed to you with postage for the Clerk to mail a copy of the *Order Setting Hearing* to you.
 - Take an envelope addressed to the Defendant with postage for the Clerk to mail a copy of the *Order Setting Hearing* to the Defendant.
 - Mail a copy of the *Request for Setting* to the Defendant and keep a copy for your records.

- Attend the Hearing:** Inform the Judge that you have lived in Wyoming for at least 60 days before you filed the *Complaint for Divorce*, the reasons why there are irreconcilable differences in the marriage and the settlement you reached (who gets what) and give the Judge the *Decree of Divorce* you completed.

Your divorce will be complete when the Judge signs the *Decree of Divorce* and it is filed with the Clerk.

OPTION C. If the Defendant files an *Answer* or *Answer and Counterclaim*, and you both do NOT agree on all of the issues of your divorce, fill out and file the following forms and attend the trial to finish your Divorce:

***Caution: It is strongly recommended that you hire or find an attorney to represent you at trial, even though you may represent yourself. You proceed at your own risk and will be expected to know the rules and laws.**

- Reply to Counterclaim.* If the Defendant filed an *Answer and Counterclaim*, you **must** file a *Reply to Counterclaim* within **20 days** from the date the Defendant filed the *Answer and Counterclaim*. You do not need to complete this form if the Defendant only filed an *Answer*.
 - Take original and two copies to the Clerk for filing
 - Mail copy to the Defendant and keep a copy for your records

- Request a Trial Date.
 - Request for Setting*
 - Order Setting Divorce Trial and Requesting Pretrial Statements* (Judge will fill out date and time)
 - Take original and two copies to the Clerk for filing.
 - Take an envelope addressed to you with postage for the Clerk to mail a copy of the *Order Setting Divorce Trial and Requesting Pretrial Statements* to you.
 - Take an envelope addressed to the Defendant with postage for the Clerk to mail a copy of the *Order Setting Divorce Trial and Requesting Pretrial Statements* to the Defendant.
 - Mail a copy of the *Request for Setting* to the Defendant and keep a copy for your records.

- Pretrial Disclosures and Pretrial Memorandum*
 - File at least **30 days** before the trial date.
 - Take original and two copies to the Clerk for filing.
 - Mail copy to the Defendant and keep a copy for your records.

- If you want the trial to be recorded by an official court reporter, provide notice to the court reporter as soon as possible, but no later than 3 working days before the trial. You can provide notice to the court reporter by phone or by a written request. If providing notice through the mail, the request must be received by the court reporter no later than three working days prior to the hearing.

- Attend the Trial: Present your evidence and witnesses.
- Decision by Judge: The Court will tell you at the end of the trial if it will prepare the *Decree of Divorce* or if it wants you or the other party to prepare the *Decree of Divorce* and the terms to include in it. Have a blank *Decree of Divorce* ready to fill out in case the Judge asks you to prepare the *Decree of Divorce*. This way, you can fill it out as he gives his ruling.

- Decree of Divorce (with Children)* (Unless the Court is preparing this for you)
- Order for Income Withholding*
- Income Withholding for Support* (or, you can open up a case with your local child support enforcement agency)
- Copies and Envelopes.
 - Take an original and 2 copies of each form to the Clerk for filing.
 - Take an envelope addressed to you with postage for the Clerk to mail a copy of the *Decree of Divorce* to you.
 - Take an envelope addressed to the Defendant with postage for the Clerk to mail a copy of the *Decree of Divorce* to the Defendant.
 - Mail a copy of the other forms to the Defendant and keep a copy for your records.
- Additional Forms: The Court may also require these additional forms (or others) depending on the county where your case is filed. Ask the Clerk if these additional forms are required. **DO NOT COMPLETE THESE FORMS FOR ALL DISTRICT COURTS.**
 - Certificate of Completion of a Parenting Class* (If you are required to complete a parenting class, the instructor for the class will give you this form for you to file with the Clerk.)
 - Copies and Envelopes for each additional form:
 - Take an original and 2 copies of each additional form to the Clerk for filing.
 - Mail a copy of any additional form filed with the Clerk to the Defendant and keep a copy for your records.

Your divorce will be complete when the Judge signs the *Decree of Divorce* and it is filed with the Clerk.